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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,704	12/21/2001	George H. Forman	10013643-1	4185

7590 02/22/2006

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EXAMINER

DENNISON, JERRY B

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/027,704	FORMAN, GEORGE H.	
	Examiner J. Bret Dennison	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 3 November 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 23-32 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 23-32 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. This Action is in response to the Amendment (RCE) for Application Number 10/027704 received on 03 November 2005.
2. Claims 23-32 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 23-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Dutta (U.S. Patent Number 6,684,238).

3. Regarding claims 23, 31, and 32, Dutta disclosed a method of alerting a user of an e-mail client application prior to the user sending an e-mail message, said method comprising:

obtaining an indication that a user wishes to send an e-mail message to a designated e-mail address (Dutta, Fig. 5, 504);
in response to said indication and prior to the user sending the e-mail message, transmitting a request to a remote device regarding a current availability of a recipient that is associated with the designated e-mail address (Dutta, Fig. 5, 506);

receiving a reply that at least one of: (i) no current email message receiving capability or (ii) no current email message handling capability (Dutta, Fig. 5, 508); and alerting the user, prior to the user sending the e-mail message that the recipient is not currently available at the designated e-mail address (Dutta, Fig. 5, 516).

Claims 31 and 32 include an apparatus with limitations that are substantially similar to the limitations of claim 23, and are therefore rejected with the same rationale.

4. Regarding claim 24, Dutta disclosed the limitations, substantially as claimed, as described in claim 23, including wherein the indication that the user wishes to send the e-mail message comprises entry of the designated e-mail address as an intended recipient of the e-mail message (Dutta, Fig. 5, 504).

5. Regarding claim 25, Dutta disclosed the limitations, substantially as claimed, as described in claim 24, including wherein the request is transmitted as soon as the designated e-mail address, as entered, has been resolved (Dutta, Fig. 5, 506, col. 3, lines 1-5).

6. Regarding claim 26, Dutta disclosed the limitations, substantially as claimed, as described in claim 24, including wherein the request is transmitted automatically in response to entry of the designated e-mail address as an intended recipient of the e-mail message (Dutta, Fig. 5, 506, col. 3, lines 5-15, 45-60).

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7. Regarding claim 26, Dutta disclosed the limitations, substantially as claimed, as described in claim 24, including wherein the user is alerted that the recipient is not currently available at the designated e-mail address while the user still is composing the e-mail message (Dutta, Fig. 5, 516, 518, 510, Dutta disclosed that the warning is disclosed while the user is still composing the e-mail message, and then the user makes a choice whether to proceed with the email or not).
8. Regarding claim 28, Dutta disclosed the limitations, substantially as claimed, as described in claim 23, including wherein the user is visually alerted that the recipient is not currently available at the designated e-mail address (Dutta, Fig. 5, 516).
9. Regarding claim 29, Dutta disclosed the limitations, substantially as claimed, as described in claim 23, including wherein the request is transmitted to a server that is known to maintain a database of current availability statuses for different e-mail addresses (Dutta, Fig. 4, 404).
10. Regarding claim 30, Dutta disclosed the limitations, substantially as claimed, as described in claim 23, including wherein the reply indicates if (1) the email address of the recipient e-mail address is not valid or no longer valid, (2) the recipient e-mail address is set in an auto-reply mode, or (3) the auto-reply mode for the recipient e-mail address is not set (Dutta, col. 4, lines 40-45).

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (571) 272-3910. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

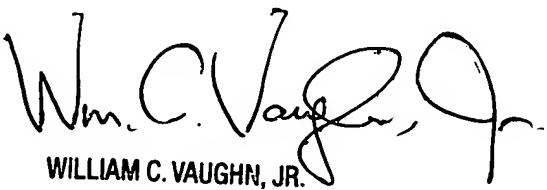
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


J. B. D.
Patent Examiner
Art Unit 2143


WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER